BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE DEPARTMENT OF LABOR AND INDUSTRY STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 24.165.401 fees, and the) AND ADOPTION
adoption of NEW RULE I fee abatement)

TO: All Concerned Persons

- 1. On February 23, 2006, the Board of Occupational Therapy Practice published MAR Notice No. 24-165-16 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 495 of the 2006 Montana Administrative Register, issue no. 4.
- 2. A public hearing on the proposed amendment and adoption was held on March 16, 2006. No comments or testimony were received at the hearing. One written comment was received prior to the closing of the comment period on March 23, 2006.
- 3. The Board of Occupational Therapy Practice (board) has thoroughly considered the comment made. A summary of the comment received and the board's response are as follows:

<u>COMMENT 1</u>: The board reviewed one (joint) comment from Lisa Spors-Murphy and Sheri Green in which they stated they do not agree with the distribution of costs for those therapists who pursued additional training for approval of their modality application requests.

<u>RESPONSE 1</u>: The board was appreciative of the comment and stated that it does not feel that the proposed fee is unreasonable. Three professional members of the board review each modality request. Time is spent reviewing documentation for up to ten requirements pursuant to statutory requirements for superficial or sound and electrical physical agent modalities. The board believes that the proposed fees for the three modality applications are commensurate with costs as per 37-1-134, MCA. There are approximately 26 applicants for superficial, five applicants for sound and electrical, and five applicants for the iontophoresis approval.

4. The board has amended ARM 24.165.401 and adopted NEW RULE I (ARM 24.165.402) exactly as proposed.

BOARD OF OCCUPATIONAL THERAPY PRACTICE DEB AMMONDSON, CHAIRPERSON

/s/ MARK CADWALLADER

/s/ KEITH KELLY Mark Cadwallader

Alternate Rule Reviewer

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 10, 2006